

REMARKS

Upon entry of the instant amendment, claims 1, 2, and 4-19 will remain pending in the above-identified application and stand ready for further action on the merits.

In this Amendment, claim 13 has been amended to depend upon claim 1. The present amendments to the claims do not introduce new matter into the application as originally filed.

As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

Allowable Subject Matter

Applicants appreciate the Examiner's courtesy in indicating that claims 1, 2, 4-12 and 17-19 are allowed at pages 4-5 of the Office Action.

Incidentally, as explained below, since claim 13 has been amended to depend on claim 1, claim 13 (and its dependent claims) is also allowable.

Claim Rejection under 35 U.S.C. §§ 102(b) and 103(a)

Claims 13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yu KR '498 (KR 2001091498) (text of machine translation is used).

Further, claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu KR '498 in view of Wakabayashi et al. US '852 (US 4,248,852).

Finally, claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu KR '498 in view of Clough et al. US '081 (US 5,633,081).

Applicants respectfully traverse and request that the Examiner withdraw the rejections based on the following consideration.

In the present amendment, claim 13 (a method claim) is amended to depend on claim 1 drawn to an allowed product claim. Consequently, it is further clarified that claim 13 is directed to a process for producing layered porous titanium oxide as described in claim 1.

When a claimed product is patentable, a process to produce the patentable product is also patentable. (*In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995)). Thus, upon entry of the present amendment to the claims, claim 13 and its dependent claims 14-16 are also patentable.

Based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejections.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053

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at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

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